

### **REMARKS**

Claims 1-12 are pending, with claims 1, 5 and 9 being independent. Claims 1, 5, and 9 have been amended. Claims 13-16 have been cancelled. No new matter has been added.

#### **Hollstrom and Alden Rejection**

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being rendered obvious by Hollstrom et al. (U.S. Pub. No. 2001/0041488) in view of Alden (U.S. Pub. No. 2004/0198436). Applicant has amended the claims to obviate the § 103(a) rejection.

As amended, claim 1 now recites a device for inserting sound segments into a voice channel carrying a voice stream of a voice transmission communication device. The device includes a display configured to present a menu of two or more different sound segments available for selection and a controller configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger. The device includes two or more triggers configured to select one of the sound segments for insertion into the voice channel. The device includes a mixer configured to couple with the audio channel, to receive the selected sound segment and to inject the selected sound segment into the voice channel. The voice channel contemporaneously carries the selected sound segment and voice stream as a single output stream.

Applicant respectfully requests reconsideration and withdrawal of the rejection because, at the least, both Hollstrom and Alden fail to describe or suggest a display configured to present a menu of two or more different sound segments available for selection combined with a controller configured to associate each of the two or more different sound segments with a corresponding trigger.

Hollstrom is directed to a wireless phone that allows a user to listen to music. As shown in Figs. 1 and 5, Hollstrom teaches an accessory device 8 that is coupled to a phone. The accessory device 8 may include a flash card for loading music. Specifically, paragraph 35 notes:

**As mentioned, the MP3 audio files are delivered to the accessory device 8 via e.g. a Multi-Media Card that is inserted in a slot in the accessory device 8. An MMC of today may have 32 Mbytes of**

**flash memory, which corresponds to about 30 minutes of hi-fi music or several hours of high quality voice audio.**

Hollstrom proposes an architecture that allows the user to listen to music on their own cell phone. As an advanced feature, the user may share music.<sup>1</sup> The abstract notes that

**[b]y transmitting the audio signals played back in the first communications device to the other device and playing them back there, shared audio listening is achieved and in this way the communications devices can be used also for the shared listening to e.g. music.**

While advanced portions of Hollstrom relate to the shared listening of music, Hollstrom focuses in its background on the problem of having to use separate devices for listening and communications.<sup>2</sup> While Hollstrom does describe an implementation that provides for shared listening of music, Hollstrom does not disclose “displaying a menu with two or more different sound segments available for selection” nor does Hollstrom disclose “associating each of the two or more different sound segments with a corresponding trigger.”

The significance of these distinctions becomes apparent in a variety of implementations. Applicant discloses one implementation whereby a user may timely interject content into an ongoing conversation.<sup>3</sup> For example, a user may load a library with quotations from popular comedians and inject a particular quotation at a moment in the telephone call to achieve optimal comedic effect. Hollstrom's system simply does not contemplate display of a menu and selection of different sound segments from that menu. Hollstrom simply has a different focus based on different goals.

Alden, the other reference used in the rejection, was used to teach “a trigger configured to select the sound segment for insertion into the voice channel.” Applicant submits that Alden does not disclose or suggest “displaying a menu with two or more different sound segments available for selection” nor does Alden disclose “associating each of the two or more different sound segments with a corresponding trigger.” Instead, as suggested by the title, Alden teaches a “personal portable integrator for music player and mobile phone.” In particular, Alden is

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<sup>1</sup> See Abstract.

<sup>2</sup> See Paragraphs 1-23.

<sup>3</sup> See, e.g., paragraph 24 (noting that selected content may be contemporaneously mixed in a telephone call). See paragraph 33 (use may timely interject particular sound segments into call).

directed to a headphone jack (e.g., adapter 44) that allows a person to share a single headphone without switch between the music player and the mobile phone. As a mere adapter, Alden cannot possibly teach "displaying a menu with two or more different sound segments available for selection" nor does Alden disclose "associating each of the two or more different sound segments with a corresponding trigger."

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claim 1 and its dependent claims 2-4.

Similarly to claim 1, each of independent claims 5 and 9 have been amended to recite limitations believed to place them in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claims 5 and 9, and their dependent claims 2-4 and 10-12, for at least the reasons discussed above with respect to claim 1.

No fee is believed due at this time. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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